

# EXHIBIT 4

Hunters Capital, LLC v. City of Seattle

30(b)(6) and Individual Deposition of Harold Scoggins

Page 1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HUNTERS CAPITAL, LLC, et al., )  
Plaintiff, )  
vs. ) No. 20-cv-00983  
CITY OF SEATTLE, )  
Defendant. )

VIDEOTAPED VIDEOCONFERENCE 30(B)(6) AND INDIVIDUAL  
DEPOSITION UPON ORAL EXAMINATION OF  
CITY OF SEATTLE  
(HAROLD SCOGGINS)

\*\*\*PORTIONS OF THIS TESTIMONY ARE DESIGNATED  
CONFIDENTIAL AND ARE SEALED  
UNDER A SEPARATE COVER.\*\*\*

Seattle, Washington  
(All participants appeared via videoconference.)

DATE TAKEN: SEPTEMBER 14, 2021  
REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

Page 3

DEPOSITION OF HAROLD SCOGGINS	
EXAMINATION INDEX	
EXAMINATION BY:	PAGE
30(b)(6) Examination by Mr. Weaver	6
Non-30(b)(6) Examination by Mr. Weaver	94
EXHIBIT INDEX	
EXHIBITS FOR IDENTIFICATION	PAGE
Exhibit 1 Amended Notice of Videotaped Deposition Pursuant to FRCP 30(b)(6) to City of Seattle	7
Exhibit 2 Email; SEA_00092040	19
Exhibit 3 Email chain; SEA-PDR_002283-284	20
Exhibit 4 5-page Executive Order; SEA_00015070	25
Exhibit 5 PowerPoint, NHSC Presentation August - 2021	34
Exhibit 6 Email and attachment; SEA_00104722-731	51
Exhibit 7 Email chain; SEA-PDR_002188-190	53
Exhibit 8 Incident Report; SEA-SFD_000046-047	63
Exhibit 9 Email chain; SEA_00091963-964	67
Exhibit 10 Email; SEA-PDR_002386	72
Exhibit 11 Email chain; SEA_00091919	78
Exhibit 12 Email chain; SEA-PDR_002192-194	85
Exhibit 13 Email chain; SEA_00092599-601	88
Exhibit 14 Email; SEA_00104741-744	125

Page 2

1 APPEARANCES  
2 FOR PLAINTIFF:

3 TYLER S. WEAVER  
4 GABRIEL REILLY-BATES  
5 Calfo Eakes LLP  
6 1301 Second Avenue  
7 Suite 2800  
8 Seattle, WA 98101-3808  
9 206.407.2237  
10 tylerw@calfoeakes.com  
11 gaber@calfoeakes.com

12 FOR DEFENDANT:

13 TYLER L. FARMER  
14 CAITLIN B. PRATT  
15 ARTHUR W. HARRIGAN, JR.  
16 Harrigan Leyh Farmer & Thomsen LLP  
17 999 Third Avenue  
18 Suite 4400  
19 Seattle, WA 98104  
20 206.623.1700  
21 tylerf@harriganleyh.com  
22 caitlinp@harriganleyh.com  
23 arthurh@harriganleyh.com

24 JOSEPH G. GROSHONG  
25 Seattle City Attorney's Office  
701 Fifth Avenue  
Suite 2050  
Seattle, WA 98104-7095  
206.684.8200  
joseph.groshong@seattle.gov

ALSO PRESENT: CATHY ZAK, videographer  
Buell Realtime Reporting, LLC

\* \* \* \* \*

Page 4

EXHIBIT INDEX (Continuing)	
EXHIBITS FOR IDENTIFICATION	PAGE
Exhibit 15 3-page meeting request; SEA_00028044	142
Exhibit 16 3-page meeting request; SEA_00028170-171	146
Exhibit 17 Meeting request; SEA_00028178-179	156
Exhibit 18 Email chain; SEA_00020291-293	165
Exhibit 19 3-page chart titled "Messages"	171
Exhibit 20 Video recording	183
Exhibit 21 Email; SEA_00092314-315	198
Exhibit 22 Spreadsheet	198
Exhibit 23 Spreadsheet	199
Exhibit 24 Email; SEA_00125617	206

1 (Pages 1 to 4)

<p style="text-align: right;">Page 37</p> <p>1 Q. And on the left part of this slide, it</p> <p>2 designates that area as the protest response zone; is</p> <p>3 that correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And so on June 8th, within that area, is</p> <p>6 this slide indicating that anywhere in that area, that</p> <p>7 the SPD had -- that the SFD had to wait for the Seattle</p> <p>8 Police Department to secure the area before they would</p> <p>9 enter?</p> <p>10 A. Anywhere in the red zone.</p> <p>11 Q. Okay. That didn't include the yellow area; is</p> <p>12 that correct?</p> <p>13 A. It did not.</p> <p>14 Q. Okay. I understand this slide as defining the</p> <p>15 protest response zone as the yellow area.</p> <p>16 Do you feel -- do you feel otherwise?</p> <p>17 A. I do. The yellow identifies the warm zone.</p> <p>18 The protest response zone is the red, and it's written</p> <p>19 in there, "protest hot zone."</p> <p>20 Q. Okay. I'd like you to look at the left where</p> <p>21 it says "Protest response zone," colon, and then it has,</p> <p>22 Denny, Union, Broadway, and 13th.</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. I understand that as indicating that the</p>	<p style="text-align: right;">Page 39</p> <p>1 that area -- within the -- within the yellow area for</p> <p>2 the fire department to respond; correct?</p> <p>3 A. It could be. Just like any other warm zone</p> <p>4 that we would set up geographical boundaries for, yes.</p> <p>5 Q. Okay. And so was it within that sit- -- within</p> <p>6 that yellow zone you had modified -- the City modified</p> <p>7 its response for basic life support and advanced life</p> <p>8 support. I can ask it different -- I can ask that</p> <p>9 question differently if it -- if it would be clearer for</p> <p>10 you, which -- let's just re-ask it.</p> <p>11 So is it the case that within that yellow area,</p> <p>12 the entire yellow area, bounded by Denny, Union,</p> <p>13 Broadway and 13th, the Seattle Fire Department had a</p> <p>14 modified response for basic life support and advanced</p> <p>15 life support on June 8, 2020?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And as indicated on -- and you spoke a</p> <p>18 little bit about this earlier, but so for basic life</p> <p>19 support it required one aid car, one engine, and one</p> <p>20 battalion chief to respond to that; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. What's -- what's an aid car?</p> <p>23 A. An aid car is two firefighter EMTs on an</p> <p>24 ambulance, basically. Our terminology is to call it an</p> <p>25 aid car so we can differentiate between an aid car and a</p>
<p style="text-align: right;">Page 38</p> <p>1 protest response zone was that area, Denny, Union,</p> <p>2 Broadway, and 13th.</p> <p>3 Do you have a different understanding?</p> <p>4 A. I do. That's our warm zone, and this gave our</p> <p>5 folks situational awareness for this protest hot zone.</p> <p>6 And so here's some of the challenges, for example, and</p> <p>7 reason why we have to lay this out a little wider. Just</p> <p>8 navigating around that area in our vehicles are very</p> <p>9 challenging just when you look at the red zone that's</p> <p>10 outlined there. So all of our folks need to have</p> <p>11 situational awareness for a larger area.</p> <p>12 Q. Okay. And that larger area was Denny, Union,</p> <p>13 Broadway, and 13th; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. And why -- why do they need to have additional</p> <p>16 situation -- why do they need to have additional</p> <p>17 situational awareness within that area?</p> <p>18 A. Because one never knows what spills outside of</p> <p>19 the hot zone. So our folks need to really be paying</p> <p>20 attention. This was on June 8th, so this is the first</p> <p>21 day that the landscape kind of changed for us. So our</p> <p>22 folks needed to have situational awareness because you</p> <p>23 never know what you're going to, you know, come upon in</p> <p>24 any of these streets around -- around there.</p> <p>25 Q. It potentially could be unsafe within that --</p>	<p style="text-align: right;">Page 40</p> <p>1 medic unit, which is two firefighter paramedics in an</p> <p>2 ambulance.</p> <p>3 Q. Okay.</p> <p>4 A. So the level of training is different.</p> <p>5 Q. Okay. And a battalion chief, can you -- can</p> <p>6 you kind of describe to me where in the hierarchy a</p> <p>7 battalion chief sits?</p> <p>8 A. A battalion chief is the first level of fire</p> <p>9 management. The rank structure in the organization,</p> <p>10 from battalion chief it goes up to deputy chief, then</p> <p>11 transitions to assistant chief, and then to fire chief.</p> <p>12 The rank and file, the labor side, is firefighter -- we</p> <p>13 have firefighter drivers, we have all of our technical</p> <p>14 teams, we have lieutenants, and we have captains. So</p> <p>15 battalion chief is above the captain level.</p> <p>16 So in the city, we have the city broken up into</p> <p>17 five geographical boundaries, and each geographical</p> <p>18 boundary has a battalion chief that's in charge of</p> <p>19 between six and eight fire stations, so they're</p> <p>20 basically the manager in charge of that geographical</p> <p>21 boundary.</p> <p>22 Q. Okay. So how many battalion chiefs are there</p> <p>23 in the city of Seattle?</p> <p>24 A. Let's see. I believe 24.</p> <p>25 Q. Okay.</p>

Page 73

1 **Q. She is proposing that from sunset to dusk the**  
 2 **CHOP red zone expand to the outline of the warm zone for**  
 3 **safety.**

4 **Do you see that?**

5 A. I do see that.

6 **Q. Do you know whether that was -- that proposal**  
 7 **was ever adopted into policy at the fire department?**

8 A. Into our planning, our operational planning.

9 **Q. Yes.**

10 A. I'm trying to think of that last map because  
 11 for most areas it looked like it eventually did expand.  
 12 I don't know on June 22, 2020, if it expanded that day.

13 **Q. Then the bullet point between 1 and 2 in this**  
 14 **email indicates that the fire department was giving B2**  
 15 **chiefs the flexibility to recon and gather information**  
 16 **to help with the decisions about staging and when entry**  
 17 **is safe.**

18 **Is that -- do you see that, first of all?**

19 A. Yes, I do see that 2.

20 **Q. And is that an accurate description of what**  
 21 **was -- the sort of discretion that was given to the**  
 22 **chiefs in June 2020, with regard to this area?**

23 A. Yes. We -- we normally give that type of  
 24 flexibility to our chiefs to gain situational awareness  
 25 so they can share information that would help us with a

Page 74

1 safer response.

2 **Q. So would you say the exact boundaries of the**  
 3 **red zone could fluctuate depending on what the exact**  
 4 **circumstances in a particular incident were?**

5 A. Correct. That goes back to our scenes of  
 6 violence situations. So if they spill out, whether  
 7 they're outside of this area or in another part of the  
 8 city, the response personnel can make those real-time  
 9 calls on where to push pause until we have proper  
 10 support.

11 **Q. Then in her No. 2, a couple lines there, she**  
 12 **indicates that as of the time of this email, June 22,**  
 13 **2020, non-SOV events, such as cardiac, are currently**  
 14 **treated in the same -- treated the same in the red zone**  
 15 **as SOVs.**

16 **Do you see that?**

17 A. I do.

18 **Q. Okay. And SOV refers to scene of violence; is**  
 19 **that correct?**

20 A. Yes.

21 **Q. So what do you -- first of all, is her**  
 22 **statement of -- is her statement of what was going on on**  
 23 **the scene accurate, in your understanding of what was**  
 24 **going on with responding to events in the red zone?**

25 MR. FARMER: Objection. Vague as to policy

Page 75

1 versus actual incidents.

2 A. I think our folks on the ground were making  
 3 real-time decisions based on what was in front of them,  
 4 but if a scene of violence or a cardiac event happened  
 5 inside of the red zone, the responding units would have  
 6 to make those real-time decisions to meet up with law  
 7 enforcement and then go to where they needed to go to  
 8 treat the patient.

9 BY MR. WEAVER:

10 **Q. Do you know of any instance from June 8th**  
 11 **through June 30, 2020, where the fire department went**  
 12 **into the red zone with the police and either put out a**  
 13 **fire or assisted a victim?**

14 A. I don't know. I would have to look at our  
 15 response information, but I don't think that there were  
 16 any significant fires during this period of time that we  
 17 would have needed to go put out a fire. I think it may  
 18 have been more of a medical issue, but I'd have to  
 19 follow up on that. I don't know.

20 **Q. Okay. With regard to the medical issues, do**  
 21 **you recall any instance in which the fire department**  
 22 **went in with the police during the period of June 8th to**  
 23 **June 30, 2020, to address a medical issue in the red**  
 24 **zone?**

25 A. I don't -- I don't recall because I'm not sure

Page 76

1 if there was a response to a location inside of the red  
 2 zone for us to actually respond to. For example, at  
 3 12th and Pine, I'm not sure if we got a response to go  
 4 to 12th and Pine for a medical emergency. I'm not sure  
 5 if that actually happened. So I -- I can't be 100  
 6 percent sure on that one.

7 **Q. Do you recall that there were some medical**  
 8 **emergencies from June 8th through June 30, 2020, that**  
 9 **were reported in the red zone?**

10 A. I can take that assumption that there probably  
 11 was. It's a busy area, a lot of people there.

12 **Q. Do you recall any shootings that occurred**  
 13 **during that time period within the red zone?**

14 A. Yes.

15 **Q. Do you recall whether for any of those**  
 16 **shootings the Seattle Fire Department entered the area**  
 17 **to treat victims within the red zone with the Seattle**  
 18 **Police Department?**

19 A. I do believe we entered the area with the  
 20 Seattle Police Department on occasions to treat a  
 21 victim. I'm just not sure of the geographical  
 22 boundaries based on the day because it was always  
 23 changing.

24 **Q. Okay. But you don't recall -- you can't sit**  
 25 **here and say that you know of an instance where the**

Page 77

1 **Seattle Fire Department treated somebody during the**  
 2 **period of June 8th through June 30, 2020, within the red**  
 3 **zone; is that right?**

4 A. Right. I -- I can say we entered with law  
 5 enforcement to treat a patient. I'm just not 100  
 6 percent sure on the geographical boundaries.

7 **Q. Okay. Was it the case for incidents within the**  
 8 **red zone, whatever it was on a particular day, that the**  
 9 **Seattle Fire Department could not go into the area and**  
 10 **would not go into the area unless the police department**  
 11 **determined that it would go into the area?**

12 MR. FARMER: Object to the form of the  
 13 question.

14 You may answer.

15 A. Sure. In the area that was identified as the  
 16 red or the hot zone, it was our practice to partner up  
 17 with law enforcement, make sure that we had proper  
 18 support, and then go in if we needed to. But that would  
 19 be similar to a shooting or a stabbing today. We would  
 20 pause, wait for law enforcement to clear the scene, and  
 21 then we would go into the scene. So that's our --  
 22 that's our standard practice.

23 BY MR. WEAVER:

24 **Q. Was it the practice that for any area or any**  
 25 **call within the red zone, as it existed on any day from**

Page 79

1 **an MI is? There's a reference to an MI.**

2 A. Myocardial infarction.

3 **Q. Okay. So a heart attack?**

4 A. Yes.

5 **Q. Was what was -- is what's described in this**  
 6 **email from Dale Watanabe, and the directions that were**  
 7 **given to the person who reported they were having a**  
 8 **myocardial infarction, consistent with the policy that**  
 9 **was in place on June 20, 2020?**

10 MR. FARMER: Object to the form of the  
 11 question.

12 A. Well, this is a real-time situation that the  
 13 dispatcher -- because Dale Watanabe is one of our  
 14 dispatchers -- gave a caller in the 911 system  
 15 information to get to fire station one block east of  
 16 your location, Fire Station 25.

17 So I don't know what else was said on that  
 18 call. I don't know what other ailments the individual  
 19 may have had. But the dispatcher apparently felt  
 20 comfortable enough to ask the person to walk to the fire  
 21 station one block away. But that's all I'm seeing here.  
 22 That's not the situation we wanted.

23 BY MR. WEAVER:

24 **Q. Okay. So Dale Watanabe is a dispatcher, you**  
 25 **said. Is he -- okay.**

Page 78

1 **June 8th to June 30, 2020, that it was the policy of the**  
 2 **Seattle Police -- Fire Department to not enter the area**  
 3 **unless the Seattle Police Department accompanied them?**

4 MR. FARMER: Objection. Asked and answered.  
 5 Chief, you may answer again.

6 A. Oh, yes, that was our operational plan.  
 7 (Exhibit No. 11 marked.)

8 BY MR. WEAVER:

9 **Q. And -- all right. I'll leave it there for now.**  
 10 **So if you could go to what I've introduced as**  
 11 **Exhibit 11. It's in the chat already.**

12 A. 11.

13 **Q. So do you have it up?**

14 A. Yes.

15 **Q. Okay. So there was an email that was written,**  
 16 **that was then forwarded to you.**

17 **Do you recall the incident discussed in this --**  
 18 **in this email from Dale Watanabe?**

19 A. Right. I'll take a look.

20 **Q. Okay.**

21 A. Yes, I've -- I've read that.

22 **Q. Okay. Do you recall that incident?**

23 A. I don't recall the incident, but after reading  
 24 it, it does hit the refresh button a bit.

25 **Q. Okay. So what was your understanding of what**

Page 80

1 **So do you read his email as saying that --**  
 2 **indicating that he was comfortable telling the person to**  
 3 **walk to the fire station?**

4 MR. FARMER: Objection. Sorry. Objection.  
 5 Calls for speculation.

6 A. No, I don't read that statement in his email,  
 7 no.

8 BY MR. WEAVER:

9 **Q. Okay. What is your understanding of what the**  
 10 **policy would be today if somebody at 6 -- 1660 12th**  
 11 **Avenue called the fire department, indicated that they**  
 12 **were having symptoms of a cardiac arrest -- is it your**  
 13 **understanding in that situation that it would have been**  
 14 **consistent with the current policy, today, to tell them**  
 15 **to walk to Fire Station 25?**

16 A. No.

17 **Q. And why is that?**

18 A. Today? We wouldn't have any obstructions  
 19 blocking our units from actually making it to this  
 20 address location, 1660 12th Avenue. What is it, just  
 21 north of the east precinct. So this is probably the  
 22 building that is right on 12th, on the east side of the  
 23 street there. But we wouldn't have any obstructions  
 24 blocking our units from getting there.

25 **Q. Okay. So your understanding is that in this**



Page 129

1 during that time period?

2 A. There were.

3 **Q. Okay. There were thousands of people at each**  
4 **of those protests; is that right?**

5 A. Yes.

6 **Q. Were they getting increasingly violent and**  
7 **destructive?**

8 A. No, I don't think so. The ones on that  
9 Saturday, which I believe was May 30th, in the downtown  
10 core, that one was destructive, and there were fires,  
11 and there were a lot of things that happened there. And  
12 I believe that Friday night, which was May 29th, there  
13 was damage to businesses, and was a smaller group. But  
14 the other ones, they did not continue with that pace of  
15 destruction that we saw on Saturday night.

16 **Q. All right. Saturday being May 30th -- you have**  
17 **a pretty good recall for dates -- May 30, 2020?**

18 A. Yeah.

19 **Q. Okay. What was going on in early June 2020,**  
20 **prior to June 8th, near and around the east precinct**  
21 **with regard to protests?**

22 A. What was going on. So the protests seemed to  
23 conclude daily at or around 11th and Pine. So there  
24 would be protests throughout the city, but daily they  
25 seemed to conclude there. I have no idea why, but

Page 130

1 that's just the way it seemed to play out each day. So  
2 that's what was going on around there.

3 **Q. Okay. Was the Seattle Police Department using**  
4 **barriers in the street the first week of June 2020, in**  
5 **the -- around the east precinct?**

6 A. Yes.

7 **Q. What kind of barriers do you remember seeing?**

8 A. I remember seeing water barriers.

9 **Q. Do you remember concrete blocks being in the**  
10 **area during that first week of June 2020?**

11 A. I don't think so.

12 **Q. Okay. Could you look at Exhibit 14 and**  
13 **Slide 8.**

14 A. Slide 8. Yes. "Discussed the protest lines at  
15 11th and Pine...how SPD fortified each day (no barrier  
16 to water barrier to bike racks to concrete blocks)."

17 **Q. Does that refresh you at all that there were**  
18 **concrete blocks being used in that area at 11th and Pine**  
19 **prior to June 8, 2020?**

20 A. Well, I -- I see the notes. I did not take the  
21 notes. But what I think I remember is no barrier, to  
22 water barrier, to -- there was actually not bike --  
23 well, see, and this is speaking -- so this -- now I --  
24 now I understand. So this slide is speaking to the  
25 transformation of the area from early June until the end

Page 131

1 of June. Because what happened up until June 8th is  
2 there was water barriers, and then there -- the bike  
3 racks didn't come in until later, but they had these  
4 metal gate-type barriers. So that was there up until  
5 June 8th. So part of the transition that took place was  
6 they were repurposed by the protesters with the -- with  
7 the water barriers, these metal gate barriers. They  
8 were black gates that they had built up around. And  
9 then the bike racks were in and around the street, so  
10 they came into play. And then at the end was the  
11 ecology blocks came into play. So this is speaking to a  
12 larger transition.

13 **Q. Okay. So you -- okay.**

14 **Do you recall whether there were regular**  
15 **confrontations between protesters and police in and**  
16 **around the 11th and Pine area prior to June 8, 2020?**

17 A. Well, I guess I would ask you to define a  
18 confrontation.

19 **Q. Do you recall prior to June 2020, so like the**  
20 **week leading up to it, that there were lines of police**  
21 **facing off with lines of protesters or groups of**  
22 **protesters in or around the area of 11th and Pine?**

23 A. I do.

24 **Q. Okay. Do you recall that there was**  
25 **occasionally conflict between the protesters and the**

Page 132

1 **police in that area during that time period?**

2 A. Well, I guess I'm trying to understand the word  
3 "conflict."

4 **Q. Do you understand that the -- do you recall**  
5 **anything more than them standing there and looking at**  
6 **each other or yelling at each other, that occurred**  
7 **between the two groups during that time period?**

8 A. I do.

9 **Q. What do you recall?**

10 A. I recall seeing -- I don't know the different  
11 tactics on what they deployed, whether it was pepper  
12 spray or tear gas or blast balls, but I recalled seeing  
13 that being deployed from time to time. I don't know the  
14 trigger points on their tactics and strategies, so  
15 that's why when you use the word "conflict," I'm not  
16 sure what their threshold is for something like that.  
17 But I do recall seeing that deployed.

18 **Q. Do you recall any projectiles being thrown**  
19 **from -- so you mentioned things from the police to the**  
20 **protesters. Do you recall anything going from the**  
21 **protesters to the police?**

22 A. I did see news footage of that from time to  
23 time.

24 **Q. Okay. Were you there for any of these events,**  
25 **yourself, personally?**

Page 133

1 A. No.  
 2 **Q. Did there become a time around June 7th or**  
 3 **June 8, 2020, that the fire department and the police**  
 4 **department were concerned that there might be a fire set**  
 5 **to the building that houses the east precinct?**  
 6 A. There was.  
 7 **Q. And what was the source of that information?**  
 8 A. I believe it was the FBI.  
 9 **Q. Did you talk to the FBI, yourself, about --**  
 10 **about that issue?**  
 11 A. I did.  
 12 **Q. Okay. Can you describe your conversation or**  
 13 **conversations with them about that issue?**  
 14 A. Sure. Vaguely, he expressed that there was  
 15 a -- a credible threat to burn the building, and that's  
 16 what we talked about.  
 17 **Q. Was that on June 8, 2020? Do you recall?**  
 18 A. I'm not sure if it was on June 8th, but if it  
 19 wasn't, it was leading up to. I'm not sure of the exact  
 20 date and time.  
 21 **Q. So what steps did the -- did the fire**  
 22 **department take with that information to protect or try**  
 23 **to protect the east precinct?**  
 24 A. Well, when you say try to protect the east  
 25 precinct, I'm not sure what that means.

Page 134

1 **Q. From being burned down. Did you do anything in**  
 2 **particular?**  
 3 A. We don't do pre-deployment of, I don't know,  
 4 chemicals -- like you see in the wild lands, for  
 5 example.  
 6 **Q. Sure.**  
 7 A. If a wildfire is coming you can predeploy  
 8 things on the structures, but that's not what we do. We  
 9 did an assessment. We revealed the building  
 10 construction, we reviewed the contiguous walls to the --  
 11 we were trying to understand the lay of the land there  
 12 with the businesses that were to the south. We reviewed  
 13 the distance in that alleyway to the west, to that next  
 14 building, to understand, you know, if there was a fire,  
 15 what would be the fire spread, what would be our  
 16 opportunities and challenges. We reviewed the water  
 17 systems and things like that.  
 18 **Q. Did you have men and equipment on the ready to**  
 19 **fight a fire at that particular location on that day?**  
 20 A. As we do every day.  
 21 **Q. Okay. There was no special precautions for**  
 22 **that area on that day; is --**  
 23 A. Well, the precautions that we talked about, the  
 24 additional resources and things like that, that we -- we  
 25 had that almost every day during this time period. Fire

Page 135

1 Station 25 was literally one block --  
 2 **Q. Sure.**  
 3 A. -- up the street. But each and every day  
 4 our 33 stations are staffed and ready to go.  
 5 **Q. Okay. So I'd like you to look again at**  
 6 **Exhibit 14, and look at -- look at the notes under**  
 7 **Slide 10.**  
 8 A. Uh-huh.  
 9 **Q. And where it says, "June 8 -- June 8 decision**  
 10 **tipping point when SPD left its precinct," were you**  
 11 **involved in the decision made by the Seattle Police**  
 12 **Department to vacate the east precinct on June 8th?**  
 13 A. No.  
 14 **Q. When did you hear that the Seattle Police**  
 15 **Department had made a decision to vacate the east**  
 16 **precinct on June 8th?**  
 17 A. I don't know exactly, but I'm sure it was  
 18 sometime that morning, as we watched the activity around  
 19 the precinct.  
 20 **Q. How did you find out about it?**  
 21 A. It was -- I'm not sure exactly, whether it was  
 22 in the meeting or watching the activities that were  
 23 unfolding earlier that afternoon. I'm not sure which  
 24 came first.  
 25 **Q. Did you -- yeah. Sorry. We just talked over**

Page 136

1 again.  
 2 **So what did you mean by that it was a tipping**  
 3 **point when they left the precinct?**  
 4 A. Sure. So when they left the precinct, the  
 5 protesters initially marched by the precinct, and many  
 6 of us thought, okay, well, that -- they'll just have a  
 7 new route. But at some point they made a U-turn and  
 8 came back into the space, and the tipping point was  
 9 repurposing the water barriers and the gate barriers,  
 10 and staying in the space. So that changed the landscape  
 11 immediately.  
 12 **Q. Okay. What did they repurpose the barriers**  
 13 **for?**  
 14 A. To not -- to not allow traffic north, south,  
 15 east, or west on the streets around the east precinct.  
 16 MR. WEAVER: Can we go off the record for a  
 17 minute?  
 18 THE VIDEOGRAPHER: Going off the record.  
 19 The time is approximately 1:54 p.m.  
 20 (Pause in proceedings.)  
 21 THE VIDEOGRAPHER: We are back on the  
 22 record. The time is approximately 1:55 p.m.  
 23 BY MR. WEAVER:  
 24 **Q. When you saw that the protesters had repurposed**  
 25 **the barriers, did you have any concerns as a -- as the**

Hunters Capital, LLC v. City of Seattle

30(b)(6) and Individual Deposition of Harold Scoggins

Page 169

1 provide fire and life safety services, we need to be  
2 able to navigate around the community. So with the  
3 bullets that I listed here, they would change the  
4 landscape and allow that to happen.

5 **Q. Okay. So the first bullet point reads, "There  
6 can now be weapons on site."**

7 **I kind of got the sense that you might have  
8 meant no weapons on site; is that --**

9 A. I meant no weapons on site.

10 **Q. Okay. All right. That there needed to  
11 maintain access points for fire and ES -- EMS responses,  
12 the second point. Was that condition met before July 1,  
13 2020?**

14 MR. FARMER: Objection. Vague as to  
15 location.

16 A. The condition was not met fully until  
17 June 30th --

18 BY MR. WEAVER:

19 **Q. Okay.**

20 A. -- when the transition took place.

21 **Q. Okay. And how about the last bullet point,  
22 "The perimeter needs to be reduced to allow first  
23 responders, residents, and businesses access and  
24 egress"? Are these -- can you explain to me -- then  
25 there's four bullet points of specific geographic areas.**

Page 171

1 **point, that's what you were recommending the total  
2 perimeter of the protest area should be; is that  
3 correct?**

4 A. If it was going to be allowed.

5 **Q. Okay. And that didn't -- that didn't happen  
6 either, did it?**

7 A. No, that did not happen either.

8 MR. WEAVER: Okay. Let's see. I'm going to  
9 find another document here to put in the chat. It will  
10 be Exhibit 19.

11 (Exhibit No. 19 marked.)

12 BY MR. WEAVER:

13 **Q. Okay. It should be there. Do you have it?**

14 A. Yes.

15 **Q. Okay. These are some texts on which I  
16 understand you were a part of, which we got from our  
17 production from Mami Hara's phone, and I'd like to  
18 direct your attention to -- if you look on the left,  
19 it's Chat No. 1164, indicates that it was -- it was a  
20 conversation held on the morning of June 10th.**

21 A. Uh-huh.

22 **Q. And it says -- it has Harold Scoggins, and the  
23 number 1 (206) 291-7001. Is that your cell number, your  
24 City cell number?**

25 A. It is.

Page 170

1 **Were those areas that you were are -- you were  
2 recommending should be continued to be blocked, or  
3 should be cleared?**

4 A. No, my recommendation, if this was going to be  
5 allowed, was to reduce the footprint. So if you're  
6 standing in the middle of 12th and Pine, and you went a  
7 half block north, south, east, and west, that's  
8 basically what that is starting to take shape.

9 What that allows is access around the entire  
10 space except that area. I think our folks know Capitol  
11 Hill pretty well, with all of the block parties and  
12 festivals and things like that. We're used to  
13 navigating the space when there's streets blocked, when  
14 there's roads closed for not just a single day, for  
15 multiple days. And so we're used to operating in this  
16 space.

17 **Q. So I just want to be clear. So if you were  
18 to -- I think you said, but I just want to make sure I  
19 heard right. So if you were standing in the  
20 intersection of 12th and Pine, which is the corner on  
21 which the east precinct is located; right? Is that  
22 correct?**

23 A. That's correct.

24 **Q. Okay. So you were saying if you looked  
25 basically a half block in each direction from that**

Page 172

1 **Q. Okay. So Mami Hara wrote, "Darn, we missed the  
2 spaghetti potluck at the autonomous zone tonight."**

3 You responded, "Think we would have gotten an  
4 invite after all the help we gave them."

5 And I just want to ask what you were referring  
6 to as all the help you gave them?

7 A. Well, I think we -- what's the date of here?

8 **Q. This is June 10th, according to what we got.  
9 The night of June 10th, I guess.**

10 A. Yeah, I think it may have been referring to,  
11 you know, the trash and the hygiene and the  
12 port-a-potties, things like that, that help preserve  
13 public safety.

14 **Q. Okay. So what were those things that you  
15 just -- so the trash -- what was the trash?**

16 A. Well, Mami, those were -- that's -- all falls  
17 under Seattle Public Utilities. So they're responsible  
18 for waste removal. They're responsible for -- I think  
19 they coordinated the port-a-potties and things like  
20 that.

21 **Q. So that's what you think you were referring to  
22 when you said "all the help"?**

23 A. I think so, but it -- it's more of a joke. I  
24 think --

25 **Q. I agree.**

43 (Pages 169 to 172)



Page 221

**Q. The City renting a space?**

A. Oh, I don't know.

**Q. Okay. You don't know anything about Mayor Durkan and a business called the Riveter? Do either of those -- does that ring a bell with you at all?**

A. No.

**Q. Okay.**

A. And it's not to say that those conversations didn't take place, but it -- it would not have been one that impacted the fire department.

**Q. Okay. Yeah, I -- I'm just making sure. I didn't expect that you did, but -- can you give me another five minutes? I might be done. I just want to look at my notes. So if we could go off the record for five minutes.**

THE VIDEOGRAPHER: Going off the record. The time is approximately 4:53 p.m.

(Recess from 4:53 p.m. to 4:57 p.m.)

THE VIDEOGRAPHER: We are back on the record. The time is approximately 4:57 p.m.

E X A M I N A T I O N (Continuing)

BY MR. WEAVER:

**Q. Okay. I do have a few just brief questions.****So with regard to Cal Anderson after July 1st through the end of 2020, do you know of any instances**

Page 223

**Q. Your City phone, I mean.**

A. No.

**Q. Okay. And do you have a personal email address that you use?**

A. I do.

**Q. What's -- what's the email address?**

[--- Confidential ---]

MR. FARMER: Cindy, we would -- I'm sorry, Mr. Weaver. Cindy, we would ask that you mark the last question and answer as confidential under the protective order in the case, please.

MR. WEAVER: And we have no objection to that. I expected that, so -- I was actually going to mention that we would keep that confidential.

So unless your attorney has questions, I am done.

MR. FARMER: No questions.

Cindy, we'll reserve signature. Thank you.

THE VIDEOGRAPHER: Thank you. This concludes today's deposition of Harold Scoggins. The time is approximately 5:00 p.m. Going off the record.

(Deposition concluded at 5:00 p.m.)

(Reading and signing was requested

pursuant to FRCP Rule 30(e).)

-o0o-

Page 222

**where there were yellow or red zones created in or around the park during that time?**

A. I don't. I don't think we created any in or around the park, but I'm not 100 percent sure, but I don't think we did.

**Q. Do you recall whether there were any scenes of violence declared in the -- in or around the park during the same time period?**

A. Are you talking about the time period after the demobilization --

**Q. Yeah, July 1st to the end of the year of 2020.**

A. Oh, I'm not sure. That's a pretty long time period, so there could have been.

**Q. Okay. Has anybody, to your knowledge, attempted to see if they can get any of your previous messages by using your Apple watch as a -- as a source?**

A. No.

**Q. Is that a City-issued Apple watch?**

A. No.

**Q. But it is -- it's synced with your City phone; is that right?**

A. Yes. Only my City phone.

**Q. Okay. At any time -- in June of 2020, was your personal email linked to your phone?**

A. No.

Page 224

## C E R T I F I C A T E

STATE OF WASHINGTON  
COUNTY OF PIERCE

I, Cindy M. Koch, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of Harold Scoggins, having been duly sworn, on September 14, 2021, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 23rd day of September, 2021.



CINDY M. KOCH, CCR, RPR, CRR

My commission expires:

JUNE 9, 2022



## DECLARATION

**CASE NAME:** Hunters Capital, LLC v. City of Seattle

**DATE TAKEN:** 9/14/2021

**WITNESS:** 30(b)(6) and Individual Deposition of Harold Scoggins with Confidential Excerpt

I declare under penalty of perjury under the laws of the State of Washington that I have read my within deposition, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the ERRATA flyleaf page hereof.

  
\_\_\_\_\_  
30(b)(6) and Individual Deposition of  
Harold Scoggins with Confidential Excerpt

Signed on the 22 day of October, 2021.



## ERRATA

**CASE NAME:** Hunters Capital, LLC v. City of Seattle

**DATE TAKEN:** 9/14/2021

**WITNESS:** 30(b)(6) and Individual Deposition of Harold Scoggins with Confidential Excerpt

### CORRECTIONS

Page	Line	Now Reads	Should Read
------	------	-----------	-------------

		I have reviewed the entire document and focused on my answers. They all seem correct, but it was hard to determine my exact answers vs. the words on the paper without having the audio to playback. I think the intent and context is correct.	

A handwritten signature in dark ink, consisting of a large, stylized 'H' or 'S' shape, followed by a horizontal line.

Signature of Deponent